

WEKIVA WILD AND SCENIC RIVER ACT OF 2000

JULY 17, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2773]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2773) to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Rock Springs Run and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wekiva Wild and Scenic River Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Public Law 104-311 (110 Stat. 3818) amended section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) to require the study of the Wekiva River and its tributaries of Rock Springs Run and Seminole Creek for potential inclusion in the national wild and scenic rivers system.

(2) The study determined that the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek are eligible for inclusion in the national wild and scenic rivers system.

(3) The State of Florida has demonstrated its commitment to protecting these rivers and streams by the enactment of the Wekiva River Protection Act (Florida Statute chapter 369), by the establishment of a riparian wildlife protection zone and water quality protection zone by the St. Johns River Water Management District, and by the acquisition of lands adjacent to these rivers and streams for conservation purposes.

(4) The Florida counties of Lake, Seminole, and Orange have demonstrated their commitment to protect these rivers and streams in their comprehensive land use plans and land development regulations.

(5) The desire for designation of these rivers and streams as components of the national wild and scenic rivers system has been demonstrated through strong public support, State and local agency support, and the endorsement of designation by the Wekiva River Basin Ecosystem Working Group, which represents a broad cross section of State and local agencies, landowners, environmentalists, nonprofit organizations, and recreational users.

(6) The entire lengths of the Wekiva River, Rock Springs Run, and Black Water Creek are held in public ownership or conservation easements or are defined as waters of the State of Florida.

SEC. 3. DESIGNATION OF WEKIVA RIVER AND TRIBUTARIES, FLORIDA, AS COMPONENTS OF NATIONAL WILD AND SCENIC RIVERS SYSTEM.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(161) WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—The 41.6-mile segments referred to in this paragraph, to be administered by the Secretary of the Interior:

“(A) WEKIVA RIVER AND WEKIWA SPRINGS RUN.—The 14.9 miles of the Wekiva River, along Wekiwa Springs Run from its confluence with the St. Johns River to Wekiwa Springs, to be administered in the following classifications:

“(i) From the confluence with the St. Johns River to the southern boundary of the Lower Wekiva River State Preserve, approximately 4.4 miles, as a wild river.

“(ii) From the southern boundary of the Lower Wekiva River State Preserve to the northern boundary of Rock Springs State Reserve at the Wekiva River, approximately 3.4 miles, as a recreational river.

“(iii) From the northern boundary of Rock Springs State Reserve at the Wekiva River to the southern boundary of Rock Springs State Reserve at the Wekiva River, approximately 5.9 miles, as a wild river.

“(iv) From the southern boundary of Rock Springs State Reserve at the Wekiva River upstream along Wekiwa Springs Run to Wekiwa Springs, approximately 1.2 miles, as a recreational river.

“(B) ROCK SPRINGS RUN.—The 8.8 miles from the confluence of Rock Springs Run with the Wekiwa Springs Run forming the Wekiva River to its headwaters at Rock Springs, to be administered in the following classifications:

“(i) From the confluence with Wekiwa Springs Run to the western boundary of Rock Springs Run State Reserve at Rock Springs Run, approximately 6.9 miles, as a wild river.

“(ii) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs, approximately 1.9 miles, as a recreational river.

“(C) BLACK WATER CREEK.—The 17.9 miles from the confluence of Black Water Creek with the Wekiva River to outflow from Lake Norris, to be administered in the following classifications:

“(i) From the confluence with the Wekiva River to approximately .25 mile downstream of the Seminole State Forest road crossing, approximately 4.1 miles, as a wild river.

“(ii) From approximately .25 mile downstream of the Seminole State Forest road to approximately .25 mile upstream of the Seminole State Forest road crossing, approximately .5 mile, as a scenic river.

“(iii) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25 mile downstream of the old railroad grade crossing (approximately River Mile 9), approximately 4.4 miles, as a wild river.

“(iv) From approximately .25 mile downstream of the old railroad grade crossing (approximately River Mile 9), upstream to the boundary of Seminole State Forest (approximately River Mile 10.6), approximately 1.6 miles, as a scenic river.

“(v) From the boundary of Seminole State Forest (approximately River Mile 10.6) to approximately .25 mile downstream of the State Road 44 crossing, approximately .9 mile, as a wild river.

“(vi) From approximately .25 mile downstream of State Road 44 to approximately .25 mile upstream of the State Road 44A crossing, approximately .6 mile, as a recreational river.

“(vii) From approximately .25 mile upstream of the State Road 44A crossing to approximately .25 mile downstream of the Lake Norris Road crossing, approximately 4.7 miles, as a wild river.

“(viii) From approximately .25 mile downstream of the Lake Norris Road crossing to the outflow from Lake Norris, approximately 1.1 miles, as a recreational river.”.

SEC. 4. SPECIAL REQUIREMENTS APPLICABLE TO WEKIVA RIVER AND TRIBUTARIES.

(a) **DEFINITIONS.**—In this section and section 5:

(1) **WEKIVA RIVER SYSTEM.**—The term “Wekiva River system” means the segments of the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida designated as components of the national wild and scenic rivers system by paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

(2) **COMMITTEE.**—The term “Committee” means the Wekiva River System Advisory Management Committee established pursuant to section 5.

(3) **COMPREHENSIVE MANAGEMENT PLAN.**—The terms “comprehensive management plan” and “plan” mean the comprehensive management plan to be developed pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **COOPERATIVE AGREEMENTS.**—

(1) **USE AUTHORIZED.**—In order to provide for the long-term protection, preservation, and enhancement of the Wekiva River system, the Secretary shall offer to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Florida, appropriate local political jurisdictions of the State, namely the counties of Lake, Orange, and Seminole, and appropriate local planning and environmental organizations.

(2) **EFFECT OF AGREEMENT.**—Administration by the Secretary of the Wekiva River system through the use of cooperative agreements shall not constitute National Park Service administration of the Wekiva River system for purposes of section 10(c) of such Act (16 U.S.C. 1281(c)) and shall not cause the Wekiva River system to be considered as being a unit of the National Park System. Publicly owned lands within the boundaries of the Wekiva River system shall continue to be managed by the agency having jurisdiction over the lands, in accordance with the statutory authority and mission of the agency.

(c) **COMPLIANCE REVIEW.**—After completion of the comprehensive management plan, the Secretary shall biennially review compliance with the plan and shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate any deviation from the plan that could result in any diminution of the values for which the Wekiva River system was designated as a component of the national wild and scenic rivers system.

(d) **TECHNICAL ASSISTANCE AND OTHER SUPPORT.**—The Secretary may provide technical assistance, staff support, and funding to assist in the development and implementation of the comprehensive management plan.

(e) **LIMITATION ON FEDERAL SUPPORT.**—Nothing in this section shall be construed to authorize funding for land acquisition, facility development, or operations.

SEC. 5. WEKIVA RIVER SYSTEM ADVISORY MANAGEMENT COMMITTEE.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory committee, to be known as the Wekiva River System Advisory Management Committee, to assist in the development of the comprehensive management plan for the Wekiva River system.

(b) **MEMBERSHIP.**—The Committee shall be composed of a representative of each of the following agencies and organizations:

(1) The Department of the Interior, represented by the Director of the National Park Service or the Director’s designee.

(2) The East Central Florida Regional Planning Council.

(3) The Florida Department of Environmental Protection, Division of Recreation and Parks.

(4) The Florida Department of Environmental Protection, Wekiva River Aquatic Preserve.

(5) The Florida Department of Agriculture and Consumer Services, Division of Forestry, Seminole State Forest.

(6) The Florida Audubon Society.

(7) The nonprofit organization known as the Friends of the Wekiva.

(8) The Lake County Water Authority.

(9) The Lake County Planning Department.

(10) The Orange County Parks and Recreation Department, Kelly Park.

(11) The Seminole County Planning Department.

(12) The St. Johns River Water Management District.

(13) The Florida Fish and Wildlife Conservation Commission.

(14) The City of Altamonte Springs.

(15) The City of Longwood.

- (16) The City of Apopka.
- (17) The Florida Farm Bureau Federation.
- (18) The Florida Forestry Association.

(c) **ADDITIONAL MEMBERS.**—Other interested parties may be added to the Committee by request to the Secretary and unanimous consent of the existing members.

(d) **APPOINTMENT.**—Representatives and alternates to the Committee shall be appointed as follows:

- (1) State agency representatives, by the head of the agency.
- (2) County representatives, by the Boards of County Commissioners.
- (3) Water management district, by the Governing Board.
- (4) Department of the Interior representative, by the Southeast Regional Director, National Park Service.
- (5) East Central Florida Regional Planning Council, by Governing Board.
- (6) Other organizations, by the Southeast Regional Director, National Park Service.

(f) **ROLE OF COMMITTEE.**—The Committee shall assist in the development of the comprehensive management plan for the Wekiva River system and provide advice to the Secretary in carrying out the management responsibilities of the Secretary under this Act. The Committee shall have an advisory role only, it will not have regulatory or land acquisition authority.

(e) **VOTING AND COMMITTEE PROCEDURES.**—Each member agency, agency division, or organization referred to in subsection (b) shall have 1 vote and provide 1 member and 1 alternate. Committee decisions and actions will be made with consent of $\frac{3}{4}$ of all voting members. Additional necessary Committee procedures shall be developed as part of the comprehensive management plan.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

Amend the title so as to read:

A bill to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Rock Springs Run and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

PURPOSE OF THE BILL

The purpose of H.R. 2773 is to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Rock Springs Run and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2773 adds the Wekiva River in its entirety and other tributaries to the Wild and Scenic Rivers System. In 1996 Congress passed Public Law 104-311 which directed the Secretary of the Interior to study the inclusion of these segments as wild and scenic rivers. The study concluded that the river segments totaling 41.6 miles are eligible and suitable for inclusion into the System. H.R. 2773 designates 14.9 miles of the Wekiva River, 8.8 miles of the Rock Springs Run, and 17.9 miles of Black Water Creek as part of the Wild and Scenic Rivers System. Administration of the rivers will be done by the Secretary of the Interior in cooperation with the State of Florida and Lake, Orange and Seminole counties.

H.R. 2773 also establishes the Wekiva River System Advisory Committee which will assist in the development of a comprehensive management plan for the river. The Advisory Committee will be comprised of a number of State, local, and private entities. The Advisory Committee will also provide input on proposed water projects which may have effects on the designated river segments.

COMMITTEE ACTION

H.R. 2773 was introduced by Congressman Bill McCollum (R-FL) on August 5, 1999. The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks and Public Lands. On April 4, 2000, the Subcommittee held a hearing on the bill. On April 13, 2000, the Subcommittee met to consider the bill. An amendment was offered by Congressman Jim Hansen (R-UT) which provided for the inclusion of Wekiwa Springs Run as part of the designation and a provision allowing Seminole Creek to be designated as a Wild and Scenic River if found eligible and the owner of the segment supports the designation. The amendment was adopted by voice vote and the bill, as amended, was ordered favorably reported to the Full Committee by voice vote. On June 7, 2000, the Full Resources Committee met to consider the bill. An amendment was offered by Congressman Mark Souder (R-IN) which struck the provision authorizing the designation of Seminole Creek as part of the Wild and Scenic Rivers System. The amendment was adopted by voice vote. No further amendments were offered and the bill, as amended, was favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Com-

mittee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2773, the Wekiva Wild and Scenic River Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2773—Wekiva Wild and Scenic River Act of 2000

CBO estimates that implementing H.R. 2773 would not have a significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 2773 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, or tribal governments.

H.R. 2773 would designate about 42 miles of river segments in Florida as wild, scenic, and recreational rivers to be administered by the Secretary of the Interior in cooperation with the state of Florida. The bill would direct the Secretary to establish an advisory council to help develop and implement a comprehensive management plan for those river segments. The bill would authorize the Secretary to provide financial and other assistance to the state of Florida and relevant local governments, landowners, and private organizations under cooperative agreements aimed at facilitating the management of the newly designated river segments. Based on information from the National Park Service, CBO estimates that implementing this bill would cost about \$100,000 annually, assuming the availability of appropriated funds.

On June 14, 2000, CBO transmitted a cost estimate for S. 2352, the Wekiva Wild and Scenic River Designation Act, as ordered reported by the Senate Committee on Energy and Natural Resources on June 7, 2000. The two bills are substantively the same, and the cost estimates are identical.

The CBO staff contact is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 3 OF THE WILD AND SCENIC RIVERS ACT

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

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(161) WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—*The 41.6-mile segments referred to in this paragraph, to be administered by the Secretary of the Interior:*